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Michael Moates,
Pro per Plaintiff

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Attorneys for Defendant META PLATFORMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL MOATES,

Plaintiff,

v.

FACEBOOK, INC.

Defendant.

Case No. 3:22-cv-04478-JD

**JOINT STIPULATION AND
[PROPOSED] ORDER TO EXTEND
PLAINTIFF'S TIME TO FILE HIS
AMENDED COMPLAINT AND TO SET
BRIEFING SCHEDULE**

JOINT STIPULATION AND [PROPOSED] ORDER TO EXTEND PLAINTIFF'S TIME TO FILE HIS
AMENDED COMPLAINT AND TO SET BRIEFING SCHEDULE
CASE NO. 3:22-CV-04478-JD

1 Plaintiff Michael Moates and Defendant Meta Platforms, Inc. (“Meta”) (f/k/a Facebook)
2 (collectively the “Parties”), by and through their counsel of record, hereby stipulate, subject to
3 approval of the Court, as follows:

4 1. On November 19, 2020, Plaintiff filed a Complaint against Meta in the United States
5 District Court for the Eastern District of Texas, which was captioned *Moates v. Facebook, Inc.*,
6 Case No. 4:20-cv-00896.

7 2. On December 28, 2020, Plaintiff filed a Second Amended Complaint (“SAC”),
8 asserting claims for (1) fraud; (2) breach of contract; (3) violation of civil rights; (4) violation of
9 antitrust laws; (5) data theft; (6) violation of contract; (7) violation of regulation FD, unfair
10 practices, insider trading; and (8) violation of right to privacy.

11 3. On February 3, 2021, Meta moved to dismiss Plaintiff’s SAC and to transfer the
12 action (4:20-cv-00896) to the U.S. District Court for the Northern District of California pursuant to
13 28 U.S.C. § 1404(a).

14 4. On May 14, 2021, the assigned magistrate judge issued a report and
15 recommendation that the action (4:20-cv-00896) be transferred to the U.S. District Court for the
16 Northern District of California.

17 5. On August 4, 2021, before the action (4:20-cv-00896) was transferred, Plaintiff
18 voluntarily dismissed the action.

19 6. On July 29, 2021, Plaintiff filed an Original Petition against Meta in the 31st District
20 Court of Denton County, which was captioned *Moates v. Facebook, Inc.*, Case No. 21-6407-431.
21 On August 23, 2021, Plaintiff filed an Amended Petition.

22 7. On September 9, 2021, Meta removed the state court action (21-6407-431) to the
23 United States District Court for the Eastern District of Texas pursuant to 28 U.S.C. §§ 1332, 1441,
24 and 1446. *Moates v. Facebook, Inc.*, Case No. 4:21-cv-00694.

25 8. On July 12, 2022, the Court granted Meta’s motion to transfer and transferred the
26 case to the Northern District of California. *Moates v. Facebook, Inc.*, Case No. 22-cv-04478-SK.

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1 9. On September 30, 2022, the matter was reassigned to the Honorable Judge James
2 Donato. The Court set the Case Management Conference to December 1, 2022, at 10:00 A.M.

3 10. On December 1, 2022, Meta attended the Case Management Conference. The Court
4 granted Plaintiff's Motion for Leave to Amend and ordered Plaintiff to file his amended complaint
5 by December 22, 2022.

6 11. On January 9, 2023, Plaintiff filed his amended complaint.

7 12. On January 23, 2023, Meta moved to dismiss Plaintiff's amended complaint.

8 13. On February 15, 2023, the Court gave plaintiff a final opportunity to amend his
9 complaint, with a deadline of March 2, 2023.

10 14. On March 2, 2023, Plaintiff informed Meta of a recent illness, and requested a
11 fourteen (14) day extension to file his second amended complaint.

12 15. The parties have met and conferred in good faith and have agreed, subject to the
13 Court's approval, to the following extension and briefing schedule:

- 14 • **March 16, 2023:** Deadline for Plaintiff to File Amended Complaint.
- 15 • **April 6, 2023:** Deadline for Meta to File Motion to Dismiss.
- 16 • **April 27, 2023:** Deadline for Plaintiff to File Opposition.
- 17 • **May 11, 2023:** Deadline for Meta to File Reply.

18 16. It is therefore stipulated and agreed by and between the Parties, subject to the
19 Court's approval:

20 Plaintiff's deadline to file his amended complaint shall be March 16, 2023; Meta's deadline
21 to move to dismiss Plaintiff's amended complaint shall be April 6, 2023; Plaintiff's deadline to
22 oppose Meta's motion to dismiss shall be April 27, 2023; Meta's deadline to file its reply shall be
23 May 11, 2023.

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1 Dated: March 2, 2023

Respectfully submitted,

2 ORRICK, HERRINGTON & SUTTCLIFFE LLP

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4 By: /s/ Jacob M. Heath

Jacob M. Heath

5 Attorney for Defendants Meta Platforms, Inc.

6
7 Dated: March 2, 2023

8 By: /s/ Michael Moates

9 Michael Moates

10 Pro per Plaintiff

11 CIVIL LOCAL RULE 5-1(i)(3) ATTESTATION

12 I hereby attest that concurrence in the filing of this document has been obtained from each
13 of the other signatories hereto.

14
15 Dated: March 2, 2023

By: /s/ Jacob M. Heath

JACOB M. HEATH

PROOF OF SERVICE

I am employed in the County of San Mateo, State of California. I am over the age of 18 years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, 1000 Marsh Road, Menlo Park, California 94025. On March 2, 2023, I served the following document(s) entitled:

1. JOINT STIPULATION AND [PROPOSED] ORDER TO EXTEND PLAINTIFF'S TIME TO FILE HIS AMENDED COMPLAINT AND TO SET BRIEFING SCHEDULE

on all interested parties to this action in the manner described as follows:

Michael Moates
6004 Oakland Bend, #116
Denton, TX 76112
mike@cpmht.com
(*pro se* Plaintiff)

- ☒ **(VIA EMAIL)** On March 2, 2023, via electronic mail in Adobe PDF format the document(s) listed above to the electronic address(es) set forth below.
- ☐ **(VIA U.S. MAIL)** On March 2, 2023, by placing a true copy of the document(s) listed above in an envelope, with postage thereon fully prepaid, addressed as set forth below and then sealing the envelope and depositing it in the U.S. mail at Menlo Park, CA.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Executed on March 2, 2023, at Menlo Park, California.

/s/ Sema Virrueta
Sema Virrueta

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

HONORABLE JAMES DONATO
United States District Judge

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